

ORDINANCE 2014-11

AN ORDINANCE AUTHORIZING THE SALE, IN FEE, OF LOT 38 IN BLOCK 144 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM, AND A TRAIL EASEMENT OVER AND ACROSS LOTS 19.01 AND 39 IN BLOCK 144 TO THE COUNTY OF MORRIS C/O MORRIS COUNTY PARK COMMISSION AT A PRIVATE SALE FOR \$350,189.36

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

WHEREAS, the Township of Chatham owns Lot 38 in Block 144, as shown on the official Tax Map of the Township of Chatham, County of Morris, State of New Jersey, on Green Village Road (“Property”); and

WHEREAS, the Township also owns Lots 19.01 and 39 in Block 144, as shown on the official Tax Map of the Township of Chatham, County of Morris, State of New Jersey (“Trail Easement Property”); and

WHEREAS, the County of Morris, for park purposes, c/o the Morris County Park Commission, desires to acquire the Property in fee for park purposes, and to acquire a trail easement over and across the Trail Easement Property; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., governs the disposition of municipal land; and

WHEREAS, N.J.S.A. 40A:12-13.4 provides for the sale of unneeded municipal lands to the county at a private sale and for nominal consideration:

Notwithstanding any law to the contrary, when the governing body of a municipality determines that all or part of a tract of land, with or without improvements, owned by the municipality is not then needed for municipal purposes, it may, by ordinance, authorize a private sale and conveyance of the property, or any part thereof, to the county in which it is located, without compliance with any other law governing disposal of lands by municipalities, for a consideration which may be nominal, and containing a limitation that the lands or buildings shall be used only for public purposes of the county, and that if the lands or buildings are not used in accordance with the limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality.

; and

WHEREAS, the Township hereby determines that the Property, which property was acquired by the Township through an in rem tax foreclosure, is not needed for municipal purposes and that it is in the best interests of the residents of the Township to sell the Property to the County in fee at a private sale for \$350,189.36 for park purposes; and

WHEREAS, the use of the property by the County and Morris County Park Commission shall be for park purposes, including but not limited to: open space, passive recreation, active recreation and trails; and

WHEREAS, as part of the purchase price, the Township shall convey to the County an easement for trail purposes over and across the Trail Easement Property, which trail shall include both pervious and impervious trail construction over and across the Trail Easement Property to be constructed in character with the existing paved and equestrian trails of Loantaka Brook Preservation in the Township (“Trail Easement”); and

WHEREAS, the location and timing for construction of the trail shall be mutually agreed upon in writing by the Township and the Morris County Park Commission; and

WHEREAS, in the event that the property and Trail Easement are no longer used for these public purposes, title thereto shall revert to the Township without any entry or reentry made on the Property or Trail Easement on behalf of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, New Jersey, as follows:

1. That the Property is not needed for municipal purposes.
2. That the portion of the Trail Easement Property on which the Trail Easement is to be located is not needed for municipal purposes. However, the remainder of the Trail Easement Property continues to be needed for municipal purposes.
3. That the sale by the Township to the County of the Property and Trail Easement be at a private sale for the sum of \$350,189.36.
4. That the Mayor and Clerk are hereby authorized to sign a Contract for Sale of Real Estate for the sale of the Property and Trail Easement.
5. That the Mayor and Clerk are hereby authorized to sign a Deed for the Property and a Deed of Trail Easement in a form acceptable to the Township Administrator and Attorney.
6. That the Mayor, Administrator, Attorney and Clerk are hereby authorized to sign any other closing documents, including but not limited to a closing statement.
7. That this Ordinance takes effect according to law.

Introduced: June 26, 2014

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted: July 17, 2014

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on July 17, 2014.

Date Issued: _____

Township Clerk